

HOUSE BILL 545

E1

2lr1516
CF SB 418

By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegate Oaks**

Introduced and read first time: February 3, 2012

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Theft from a Motor Vehicle ~~– Penalties~~**

3 FOR the purpose of prohibiting a person from ~~knowingly and willfully obtaining or~~
4 ~~exerting unauthorized control over personal property located in or on a motor~~
5 ~~vehicle if the person intends to deprive the owner of the property, uses,~~
6 ~~conceals, or abandons the property in a manner that deprives the owner of the~~
7 ~~property, or uses, conceals, or abandons the property knowing that the use,~~
8 ~~concealment, or abandonment will deprive the owner of the property;~~
9 ~~establishing penalties for a violation of this Act; providing that a court may not~~
10 ~~impose certain penalties for a second or subsequent violation of this Act unless~~
11 ~~the State’s Attorney serves a certain notice on the defendant or defendant’s~~
12 ~~counsel within a certain period; providing that this Act does not preclude a~~
13 ~~certain prosecution for theft; establishing that a conviction under this Act does~~
14 ~~not merge for sentencing purposes into a certain other conviction; defining a~~
15 certain term being in or on the motor vehicle of another with the intent to
16 commit theft of property that is on the motor vehicle; establishing that a certain
17 penalty applies to a violation of this Act; and generally relating to thefts from
18 motor vehicles.

19 ~~BY adding to~~
20 ~~Article – Criminal Law~~
21 ~~Section 7-105.2~~
22 ~~Annotated Code of Maryland~~
23 ~~(2002 Volume and 2011 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Criminal Law
3 Section 6–206
4 Annotated Code of Maryland
5 (2002 Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Criminal Law**

9 ~~7–105.2.~~

10 ~~(A) IN THIS SECTION, “OWNER” MEANS A PERSON WHO HAS A LAWFUL~~
11 ~~INTEREST IN OR IS IN LAWFUL POSSESSION OF PERSONAL PROPERTY LOCATED~~
12 ~~IN OR ON A MOTOR VEHICLE.~~

13 ~~(B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OBTAIN OR EXERT~~
14 ~~UNAUTHORIZED CONTROL OVER PERSONAL PROPERTY LOCATED IN OR ON A~~
15 ~~MOTOR VEHICLE IF THE PERSON:~~

16 ~~(1) INTENDS TO DEPRIVE THE OWNER OF THE PROPERTY;~~

17 ~~(2) USES, CONCEALS, OR ABANDONS THE PROPERTY IN A MANNER~~
18 ~~THAT DEPRIVES THE OWNER OF THE PROPERTY; OR~~

19 ~~(3) USES, CONCEALS, OR ABANDONS THE PROPERTY KNOWING~~
20 ~~THAT THE USE, CONCEALMENT, OR ABANDONMENT WILL DEPRIVE THE OWNER~~
21 ~~OF THE PROPERTY.~~

22 ~~(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A~~
23 ~~PERSON WHO VIOLATES THIS SECTION:~~

24 ~~(1) IS GUILTY OF THE MISDEMEANOR OF TAKING PERSONAL~~
25 ~~PROPERTY LOCATED IN OR ON A MOTOR VEHICLE AND ON CONVICTION IS~~
26 ~~SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT~~
27 ~~EXCEEDING \$2,500 OR BOTH; AND~~

28 ~~(2) (I) SHALL RESTORE THE PERSONAL PROPERTY TAKEN; OR~~

29 ~~(II) IF UNABLE TO RESTORE THE PROPERTY, PAY TO THE~~
30 ~~OWNER THE FULL VALUE OF THE PROPERTY.~~

1 ~~(D) (1) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT~~
2 ~~VIOLATION OF THIS SECTION;~~

3 ~~(I) IS GUILTY OF THE MISDEMEANOR OF TAKING PERSONAL~~
4 ~~PROPERTY LOCATED IN OR ON A MOTOR VEHICLE AND ON CONVICTION IS~~
5 ~~SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT~~
6 ~~EXCEEDING \$5,000 OR BOTH; AND~~

7 ~~(II) 1. SHALL RESTORE THE PERSONAL PROPERTY~~
8 ~~TAKEN; OR~~

9 ~~2. IF UNABLE TO RESTORE THE PROPERTY, PAY TO~~
10 ~~THE OWNER THE FULL VALUE OF THE PROPERTY.~~

11 ~~(2) THE COURT MAY NOT IMPOSE THE PENALTIES UNDER THIS~~
12 ~~SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES NOTICE ON THE~~
13 ~~DEFENDANT OR DEFENDANT'S COUNSEL, BEFORE THE ACCEPTANCE OF A PLEA~~
14 ~~OF GUILTY OR NOLO CONTENDERE OR AT LEAST 15 DAYS BEFORE THE DAY OF~~
15 ~~TRIAL;~~

16 ~~(I) LISTING THE ALLEGED PRIOR CONVICTIONS; AND~~

17 ~~(II) ADVISING THAT THE STATE SHALL SEEK THE~~
18 ~~PENALTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

19 ~~(E) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR~~
20 ~~THEFT UNDER § 7-104 OF THIS PART.~~

21 ~~(2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS PART FOR~~
22 ~~THE SAME ACT OR TRANSACTION, THE CONVICTION UNDER THIS SECTION MAY~~
23 ~~NOT MERGE FOR SENTENCING PURPOSES INTO THE CONVICTION UNDER § 7-104~~
24 ~~OF THIS PART.~~

25 6-206.

26 (a) A person may not possess a burglar's tool with the intent to use or allow
27 the use of the burglar's tool in the commission of a crime involving the breaking and
28 entering of a motor vehicle.

29 (b) A person may not be in or on the motor vehicle of another with the intent
30 to commit theft of the motor vehicle or property that is in OR ON the motor vehicle.

31 (c) A person who violates this section is guilty of a misdemeanor, shall be
32 considered a rogue and vagabond, and on conviction is subject to imprisonment not
33 exceeding 3 years.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.